D.B. CIVIL SPL. APPEAL (WRIT) NO.462/2006

Lalit Shanker Sharma Vs. State of Raj. & Ors.

Date : 02.08.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M. Mridul, Senior Advocate assisted by

Mr. R.N. Upadhyay for the appellant.

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This appeal is directed against the order of learned Single Judge refusing to grant interim relief by staying direct recruitment to the post of Lecturer in Textile Technology as per advertisement issued.

Having heard learned counsel for the appellant we are of the opinion that no interim order of the nature sought by the appellant is required to be made in this case by putting a blanket ban on direct recruitment for the post of Lacturer in Textile Technology.

Reading the entry 6A in the Schedule

appended to the Rajasthan Technical Education Service Rules, 1973, we are of the opinion that the provisions envisaged in column 5 of the Schedule have been envisaged as exception to General Rule that Lecturers in Polytechnic Colleges are to be appointed 100 % by direct recruitment. Prima facie, the Rule envisages that the post of the Demonstrators/Drawing Instructions/Work Shop Inspector in Technical subjects encadred in subordinate services were declared as dying cader and scheme under the Rule was the members of Subordinate service in such dying cadre were required to be absorbed as Lecturer by offering them an opportunity of promotion until the existing members of dying cadres are absorbed. Explanatory Clause to column 6 makes it clear that the current set of Demonstrator/Drawing Instructor etc. are considered under the scheme of promotion as envisaged under Schedule 6A itself. It nowhere envisaged that regular recruitment procedure shall not be adopted until all the members of dying cadre are promoted. There appears to be no warrant to read any such embargo in the scheme of Rules as contended by Mr.Mridul. Hence we do not find any merit

in the appeal.

However, the distribution between the direct recruitees and promotees until that time having been not revealed in the scheme of the Rules, the respondents should come out clearly how this Rule is to be operated by the respondent keeping in mind the balance to be kept in giving effect to policy of 100% recruitment by direct recruits and absorb the members of dying cadre of subordinate service in higher posts by offering promotion within a reasonable period of time.

Subject to aforesaid, the appeal is dismissed.

[ GOPAL KRISHAN VYAS], J. [ RAJESH BALIA ], J.

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